

HOUSE No. 4372

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2012.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 1278) of Ruth B. Balser and others relative to the identification and treatment of the mentally ill in prisons, reports recommending that the accompanying bill (House, No. 4372) ought to pass.

For the committee,

EUGENE L. O'FLAHERTY.

HOUSE No. 4372

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the treatment of mentally ill in prisons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 127 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after the definition of "Commissioner" the following
3 definition: -

4 "Mental health professional," a psychiatrist, psychologist, licensed clinical social worker
5 (LICSW) or licensed mental health counselor (LMHC) who is licensed to practice in the
6 commonwealth pursuant to chapter one hundred and twelve.

7 SECTION 2. Said section 1 of said chapter 127, as so appearing , is hereby further amended by
8 inserting after the definition of "Parole board" the following definition: -

9 "Residential treatment unit," a therapeutic housing unit within a correctional facility that is
10 operated for the purpose of providing treatment and rehabilitation for I I prisoners.

11 SECTION 3. Section 39 of said chapter 127, as so appearing, is hereby amended by striking out

the first paragraph and inserting in place thereof the following paragraph:-

Except as provided in section 39A of this chapter, at the request of the superintendent of any correctional institution of the commonwealth, the commissioner may authorize the transfer, for such period as s/he may determine, to a segregated unit within any correctional institution of the commonwealth, of any inmate whose continued retention in the general institution population is detrimental to the program of the institution.

SECTION 4. Said chapter 127, as so appearing, is hereby amended by inserting after section 39 the following section:

Section 39A. Diversion to residential treatment units

(a) When an inmate is confined to a segregated unit, the superintendent shall arrange for a mental health professional to assess the mental health of the inmate and to review the inmate's mental health record within twenty-four hours. Inmates remaining in such confinement shall be reassessed at a minimum of two times per week thereafter. Mental health assessments shall be conducted in a confidential manner.

(b) As part of all mental health assessments conducted pursuant to paragraph (a) of this section, mental health professionals shall identify for diversion or removal from such segregated unit any inmate who meets the criteria set forth in paragraph (c) of this section. Inmates identified for

30 diversion or removal from a segregated unit shall, within thirty days of the assessment,
31 be diverted or removed from such unit and placed in a residential treatment unit or provided with
32 clinically appropriate treatment in general population. While awaiting transfer, the mental health
33 status of such inmates shall be afforded the opportunity to speak to a mental health clinician at
34 least five (5) days per week. Such inmates shall also be afforded the opportunity for in-cell
35 programming and additional out-of-cell recreation.